

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:)
)
 Ronald L. Mahany)
)
 Serial No. 10/057,816)
)
 Filed: January 24, 2002)
)
 For: REMOTE RADIO DATA)
 COMMUNICATION SYSTEM WITH)
 DATA RATE SWITCHING)
)
 Examiner: Nguyen Thanh Vo)
)
 Group Art Unit: 2685)
)
 Confirmation No.: 4621)
)
 Customer No.: 23446)

ELECTRONICALLY FILED
On December 1, 2008

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Attached with this electronic submission are the following:

- A completed PTO/SB/08A which has two (2) pages.
- A copy of each printed reference listed in the PTO/SB/08 form is attached. Applicants, however, have not submitted U.S. Patents or other references previously provided to or by the PTO in this application. Twelve (12) references are attached.

FEE DETERMINATION AND PAYMENT

No fee is believed to be due because:

- The applicant(s) believe(s) that this statement and attachments are being filed before the first Office action on the merits has been mailed by the PTO. The basis of this belief is that no Office action on the merits appears to have been received by the undersigned to date.

The Commissioner is hereby authorized to charge any fees which are presently required, or credit any overpayment, to Deposit Account No. 13-0017.

REQUEST FOR CONSIDERATION

This paper and attachments are believed to be entitled to consideration under 37 C.F.R. § 1.97, based on the facts stated above.

The owner of record of the present application, Broadcom Corporation, was involved in several ex parte reexaminations of U.S. Patent No. 5,425,051 (Control Nos. 90/008,033, 90/008,034, 90/008,108, 90/009,102 and 90/009,177) at the request of Qualcomm, Inc. Broadcom Corporation was further involved in a patent infringement action with Qualcomm, Inc., Civil Action No. 05-467, in the Central District of California.

The references being submitted have been either cited, produced or relied upon by Qualcomm during the above-mentioned reexaminations and/or lawsuit. This electronic submission is in no way intended as an admission that the submitted references constitute prior art under any subsection of 35 U.S.C. §102 or §103. Applicant expressly retains the right to argue that any of the cited references are not indeed prior art or to take any actions necessary to remove any of the cited references from the available prior art.

The Examiner is requested to initial the attached PTO/SB/08A and return a copy to the applicants to indicate consideration of the attached references.

Respectfully submitted,

Date: December 1, 2008

/Philip Henry Sheridan/
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